

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

Genesis Global Holdco, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 23-10063 (SHL)

(Jointly Administered)

**SUPPLEMENTAL DECLARATION OF  
JOHN R. ASHMEAD IN SUPPORT OF APPLICATION  
FOR ENTRY OF AN ORDER AUTHORIZING AND APPROVING THE  
EMPLOYMENT OF SEWARD & KISSEL LLP AS SPECIAL LITIGATION  
COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

I, John R. Ashmead, being duly sworn, declare pursuant to 28 U.S.C. § 1746 under penalty of perjury as follows:

1. I am a partner with the law firm of Seward & Kissel LLP (“S&K”) with offices located at One Battery Park Plaza, New York, NY 10004 and am duly admitted to practice law in the State of New York and the United States District Court for the Southern District of New York.

2. Unless otherwise indicated herein, I have personal knowledge of the matters set forth herein, which is true and correct, and if called as a witness, would testify competently thereto.

3. I submit this declaration (the “Supplemental Declaration”) pursuant to Rule 2014 of the Federal Rules of Bankruptcy Procedure in connection with the (i) *Application for Entry of an Order Authorizing and Approving the Employment of Seward & Kissel LLP as Special Litigation Counsel to the Official Committee of Unsecured Creditors Nunc Pro Tunc to March 30,*

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number (or equivalent identifier), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); and Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these chapter 11 cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

2023 [Dkt. No. 243] (the “Application”)<sup>2</sup> and (ii) the *Declaration of John R. Ashmead in Support of Application for Entry of an Order Authorizing and Approving the Employment of Seward & Kissel LLP as Special Litigation Counsel to the Official Committee of Unsecured Creditors Nunc Pro Tunc to March 30, 2023* attached as Exhibit B to the Application (the “Initial Declaration”). This Court approved the Application on May 16, 2023. Dkt. No. 315.

4. In its Initial Declaration, S&K represented that it would file further disclosures with this Court if it identified any additional representations of potential parties-in-interest. Through the course of these chapter 11 cases, the Debtors have identified certain additional potential parties-in-interest not previously reflected in the initial list of potential parties-in-interest compiled by the Debtors (collectively, the “Additional Parties”). S&K periodically submitted the names of Additional Parties for review in the computerized conflict database system maintained by S&K, as such process is further described in the Initial Declaration.

5. Out an abundance of caution, S&K is choosing to disclose that it recently learned that a counsel in its Investment Management Group, while employed at a different law firm prior to March 2020, engaged in certain compliance and oversight work for one of the Additional Parties, [REDACTED]. To the best of my knowledge, information, and belief, such work was unrelated to these chapter 11 cases and does not create an interest materially adverse to the interests of creditors or the Committee. Given this, to the best of my knowledge, information, and belief, S&K continues to be a “disinterested person” as that term is defined in section 101(14) of the Bankruptcy Code, as modified by section 1103(b).<sup>3</sup>

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Application.

<sup>3</sup> In an abundance of caution and to avoid any appearance of impropriety, S&K has taken steps to screen the relevant counsel from any materials and information related to S&K’s representation in these chapter 11 cases, such materials and information which, to the best of my knowledge, information, and belief, had never been previously disclosed to such counsel.

Dated: January 9, 2024  
New York, New York

/s/ John R. Ashmead  
John R. Ashmead